

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

JAMES ATTAWAY, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 19-0032-CV-W-HFS
)	
JENNIFER TIDBALL)	
)	
Defendant.)	

ORDER

Plaintiffs commenced this action seeking declaratory and injunctive relief, asserting, among other things, a violation of the Second Amendment. Specifically, as it relates to a state prohibition against the possession of firearms by foster parents. Pursuant to a joint request, all proceedings have been stayed.

The parties have recently filed a Joint Status Report in which they state that the Governor's Office approved the proposed amended regulation regarding firearm requirements and restrictions for foster parents (13 CSR 35-60.040), filed on June 22, 2020. They further state that once the amendment was published on August 3, 2020, the notice and comment period ran from that date through

September 2, 2020, and on October 5, 2020, the Missouri Dept. of Social Services (“the Department”) filed the final order of rulemaking with the Joint Committee on Administrative Rules. The Department filed the final order of rulemaking with the Missouri Secretary of State on November 5, 2020, and the amendment to 13 CSR 35-60.040 became effective on January 30, 2021.

In view of these events, the parties request a continuance of the stay through March 31, 2021, as they continue discussions regarding the drafting of a settlement agreement and the resolution of plaintiffs’ claims for attorney’s fees. The request is reasonable and will be granted, and the Stay in this case will be continued, and the parties are directed to file a Joint Status Report by March 31, 2021.

SO ORDERED.

s/ HOWARD F. SACHS
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

February 19, 2021
Kansas City, Missouri